



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 07-081

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. In s. Trans 101.03 Note, “the new law” should be replaced with a reference to a particular statute or rule, or to a legislative act, if the department believes that the timing of the imposition of this legal requirement is important in this context.

b. In s. Trans 101.02 (7) (a), in the last sentence, the word “may” should be replaced by the word “does.”

c. In s. Trans 101.02 (8) (e) (intro.), the phrase “In situations in which” should be replaced by the word “if.”

d. In s. Trans 101.02 (9) (c), because the introduction does not grammatically lead into the following subunits, the following changes should be made:

(1) Subdivisions 1. to 3. should be renumbered as pars. (d) to (e).

(2) The cross-reference in the introduction to “subds. 1. to 3.” should be replaced by a cross-reference to “pars. (d) to (e).”

(3) Paragraph (d) should be renumbered to par. (f).

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. Trans 101.01 (3) (a), the definition of “federal traffic law” could be read to be broader than the definition provided by s. 343.32 (2) (a), Stats. This definition should be limited

to any federal law that is in strict conformity with a state traffic law, but only “if the offense occurred on a federal military installation located in this state.”

b. In s. Trans 101.01 (3) (d), the notation “Stats.,” should be inserted after the reference to “ch. 351.”

c. In s. Trans 101.02 (8) (a), the notation “sub.” should be inserted before the reference to “(9) (c) 1.”

d. In s. Trans 101.06 (3) (Note), the notation “, Stats.,” should be inserted after the reference to 343.32 (1s).”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Reference is made in the plain language analysis to “point cases.” Because this is a newly defined term, it may be helpful to briefly explain what this means in the analysis. In the definition of “point case,” it may be helpful to provide citations to statutes or rules that control whether a conviction is used as part of the total in determining whether to suspend a person’s operation privilege for accumulation of demerit points.

b. The second bullet point of the plain language analysis states in part that no convictions that result in a withdrawal will be used in a point case. To what does the word “withdrawal” refer?

c. In s. Trans 101.02 (intro.) and (6), what is meant by “traffic regulation”? Is the term limited to local ordinances?

d. In s. Trans 101.02 (8) (intro.), a comma should be inserted after the reference to “sub. (9).”

e. In general, the meaning of the provisions in s. Trans 101.02 (8) and (9) would be clarified by the use of examples following these provisions.

f. In s. Trans 101.02 (8) (e) 1., the phrase “for a longer period” should be used in contrast to a court order as is done in subd. 2. Also, in subd. 2., the first sentence should be rewritten to read: “If the person is not subject to an existing point case and the person would be subject to a suspension under s. Trans 101.04 (3) or (3m) that is equal to, or less than, the court order, then DMV....”